

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN BROWN,	:	CIVIL ACTION
	:	NO. 22-1538
Petitioner,	:	
	:	
v.	:	
	:	
K. BRITTAIN, et al.	:	
	:	
Respondents.	:	

O R D E R

AND NOW, this **29th** day of **June, 2022**, upon consideration of Petitioner's submissions, the record, and the Report and Recommendation of United States Magistrate Lynne A. Sitarski (ECF No. 7), there being no objections,¹ it is hereby **ORDERED** that:

1. The Report and Recommendation (ECF No. 7) is

¹ When neither party files timely objections to a magistrate judge's report and recommendation ("R&R") on a dispositive issue, the district court is not required to review the R&R before adopting it. Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). However, the Third Circuit has held that "in the absence of objections . . . the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); see also Fed R. Civ. P. 72, 1983 advisory committee notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). In that neither party has filed objections to the R&R, this Court has reviewed it for clear error and has found none.

APPROVED and **ADOPTED**;

2. Plaintiff's petition for habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED WITHOUT**

PREJUDICE; and

3. There is no basis for the issuance of a certificate of appealability.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.